

**STATE OF MICHIGAN**  
**DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**  
**Before the Director of Insurance and Financial Services**

**Walter Parcell**  
**Petitioner**

**Case No. 13-906-L**  
**Docket No. 13-000141**

**v**

**Department of Insurance and**  
**Financial Services**  
**Respondent**

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Issued and entered  
this 27<sup>th</sup> day of March 2013  
by Randall S. Gregg  
Special Deputy Director

**FINAL DECISION**

This matter concerns the denial of an insurance producer's license to the Petitioner by the Office of Financial and Insurance Regulation.<sup>1</sup> The Petitioner challenged the denial and a hearing was scheduled to adjudicate the matter. The parties have now reached a settlement agreement and a producer license has been issued to the Petitioner.

The agency staff subsequently filed with the administrative law judge (ALJ) a "Motion to Remove Case from the Hearing Docket." On March 21, 2013, the ALJ issued an "Order of Dismissal." This order purports to dismiss the case itself. This portion of the order goes well beyond the scope of the agency's motion and exceeds the authority of an administrative law judge in a contested case.

Section 81(1) of the Administrative Procedures Act of 1969, MCL 24.281(1), provides:

When the official or a majority of the officials of the agency who are to make a final decision have not heard a contested case or read the record, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision is served on the parties, and an opportunity is given to each party adversely affected to file exceptions and present written arguments to the officials who are to make the decision....

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1. After this case was initiated, the Governor transferred the authority, powers, duties, functions, and responsibilities of the Commissioner of Financial and Insurance Regulation to the Director of the Department of Insurance and Financial Services (the Director) by Executive Order 2013-1 effective March 18, 2013. The Director now has the authority to conduct formal administrative hearings.

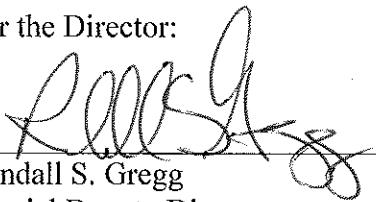
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Thus, a final decision may only be issued by the agency or official authorized to make a final decision. In this case, that official is the Special Deputy Director of the Department of Insurance and Financial Services. Consequently, that portion of the ALJ's order which purports to dismiss the case is hereby vacated.

It is ORDERED that this matter is dismissed.

R. Kevin Clinton  
Director

For the Director:

  
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Randall S. Gregg  
Special Deputy Director